

REMARKS

Status of Claims

Claims 1 – 25 were original in the application. Claims 1, 9 – 11, 18, and 20 have been cancelled. Claims 2, 3, 4, 5, 6 - 8, 12 - 17, 19, 21-25 have been amended in this amendment. Claims 26 – 34 are added. Claims 3, 4, and 5 were allowed. Claims 13, 14, 16, 17, 22 and 23 were indicated as allowable if rewritten to stand in independent form. Claims 2, 6 - 8, 12, 15, 19, 21, and 24 – 34 are submitted for examination on the merits.

Objections to the Claims

The objections to the claims have been responsively met by amendment in each instance.

Rejection Pursuant to 35 USC 102(e)

Claims 1, 2, 6 - 12, 15, 18 - 21, 24 and 25 were rejected as being anticipated by **Hashimoto** U.S. Patent No. 6,223,286.

As to claim 1, the Examiner cited Figs. 9, 10, and 17 of **Hashimoto** for showing the step of transmitting a multicast message to said plurality of receivers from a sender through a computer network as shown in Fig. 10 where the transmitter is transmission device 601 and the receivers are 602, 603, and where the multicast message is Mp. The Examiner contended that each receiver processes the multicast message as shown in Fig. 9 and the multicast message

M_p is processed after time T_4 expires in step 127 where T_4 is set to a release time via the acquired scheduling information taught in steps 504 -507 of Fig. 17. The Examiner contends that the transmitter (i.e., sender) chooses and sends an official release time to every receiver which is based on the probability of the multicast being completed before the official release time is at or above a user selected level, columns 21-22 with respect to $Tr(p)$ which is dependent on T_s . The Examiner referred to column 18, lines 52-59 with respect to probability. The Examiner contended that the senders and plurality of receivers remain healthy during the session by using ACK, NACK, and RACK, Fig. 10.

Hashimoto is primarily directed to aspects of multicast communication in a computer network, which are not concerned with fault tolerance. In fact, **Hashimoto** deals with only one instance related to fault tolerance, namely processing the transmitted multicast message in every receiver at or after a certain time defined as the official release time.

As to claim 2, the Examiner makes a similar rejection to claim 1. In addition, the Examiner cites figure 17 with respect to error processing at steps 512 and 522. In particular, the Examiner characterizes **Hashimoto** as follows. The message M_p is sent S times as taught in step 511. If the message is not delivered after the sender makes S_{max} attempts, a cancellation notice is sent to all members in the group at step 512. In particular, see e.g., column 21, lines 33-45 which teaches canceling the multicast session. A cancellation message may also be sent by the receiver by omitting the acknowledgment message. As shown in figure 17, the cancellation is performed before step 140 such that the

error processing is performed before the official release time.

Claim 2 has been amended to be limited to processing the received multicast message in said plurality of receivers only after a time defined as the official release time, which is chosen and sent to every receiver by the sender such that the multicast is cancelled, when the sender becomes disabled before it can confirm the success of the multicast. This fault is not treated in any sense by **Hashimoto**.

As to claim 6, the Examiner asserts a similar rejection to claim 2 with respect to at least step (i).

Step (i) of claim 6 is amended to require that a receiver has received a cancellation notice from another receiver, not the sender, unlike **Hashimoto**.

As to claim 7, the Examiner asserts a similar rejection to claim 2 with respect to at least step (i). Step (i) has been deleted from claim 7.

As to claim 12, the Examiner asserts a similar rejection to claim 2 and points to steps 512 and 522 in figure 17. Claim 12 has been amended in a manner similar to claim 2 and is distinguished on the same grounds.

As to claim 15, the Examiner asserts a similar combined rejections to claims 1 and 2. Claim 15 has been amended in a manner consistent with claim 2 and is distinguished on the same grounds as is claim 2.

As to claim 19, the Examiner asserts a similar combined rejections to claims 1 and 2. Claim 19 has been amended in a manner similar to claim 2 and is distinguished on the same grounds as is claim 2.

As to claim 21, the Examiner asserts a similar rejection to claim 12. Claim

21 has been amended in a manner similar to claim 2 and is distinguished on similar grounds.

As to claim 24, see similar rejection to claim 6. Claim 24 has been amended in a manner consistent with claim 6 and is distinguished on similar grounds.

As to claim 25, see similar rejection to claim 7. Claim 25 has been amended in a manner consistent with claim 7 and is distinguished on similar grounds.

Applicant respectfully requests advancement of the claims to allowance.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 9, 2005 by



Signature

June 9, 2005

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